

## REMARKS

Claims 1-27 were presented for examination and were pending in this application. In a Final Official Action dated August 23, 2006, claims 1-27 were rejected. Applicant thanks the Examiner for examination of the claims pending in this application and addresses the Examiner's comments below. Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections, and withdraw them.

### Response to Rejections

In paragraphs 9-15 of the Final Office Action, the Examiner rejects claims 1-3, 6, 8-11, 14, 16-18, and 21 under 35 USC § 102(b) as allegedly being anticipated by U.S. Patent No. 5,495,607 et al. ("Pisello"). Claims 1, 9, and 16 have been amended to include the limitations of claim 23, and claim 23 has been cancelled. The Examiner rejects claims 23-27 under 35 USC § 103(a) as allegedly being unpatentable over Pisello in view of U.S. Patent No. 6,092,194 ("Touboul"). Thus, Applicants address these arguments as applied to claim 1 as amended. These rejections now are traversed.

Claims 1, 9, and 16 now respectively recite, in relevant part, a method, computer program product, and system for:

“a non-application specific file attribute manager **receiving** a plurality of files in a plurality of formats;...

examining one of the plurality of files;

**retrieving from the plurality of records in the database** at least one record  
**associated with** the one of the plurality of files;

analyzing the gleaned file attributes gleaned from the one of the plurality of files, the  
gleaned file attributes having been retrieved from the at least one record  
associated with the file; and

determining a status of the one of the plurality of files **responsive to** analyzing the gleaned file attributes.”

These aspects of the claimed invention allow attributes to be gleaned from received files, which attributes are then used to analyze the incoming file.

These aspects of the claimed invention are not disclosed or suggested by Pisello. Pisello does not disclose “a non-application specific file attribute manager **receiving a plurality of files** in a plurality of formats.” Pisello’s interrogation of a file-server entails a program (150.2) **looking at** information residing in various file-servers (110, 120, etc.), in contrast to the claimed **receiving** of a plurality of files. The verb “receive” is used here in its traditional sense: to come into possession of. Thus, Pisello looks at, but does not **receive** files, and thus does not disclose this aspect of the claimed invention.

In addition, as the Examiner correctly notes, “Pisello fails to disclose a method for retrieving at least one stored record concerning the file, and thereafter determining a status concerning the file. (claim 23).”

Touboul does not remedy these deficiencies. Touboul does not disclose or suggest “retrieving **from the plurality of records in the database** at least one record **associated with the one of the plurality of files**.” Touboul’s comparators compare an **incoming “downloadable”** to stored information about **other, known downloadables** (see, e.g., col. 7, ll. 60-64). Touboul does not, however, store records about the incoming downloadable prior to this comparison, and thus does not have any records “associated with” the incoming downloadable available for retrieval.

In addition, Touboul does not disclose or suggest “determining a status” of a file **“responsive to** analyzing the gleaned file attributes.” Touboul determines a status of an

incoming downloadable by first passing the downloadable through one or more comparators (col. 5, l. 4 – col. 6, l. 48), e.g., as described above, and then comparing the comparator results **to a user-specific security policy** (see, e.g., col. 9, ll. 1-5; col. 4, l. 62 – col. 5, l. 3; col. 7, ll. 53-55; col. 8, ll. 54-62). In contrast, the claimed invention's status determination is a responsive to an analysis of **attributes gleaned from the received file** itself.

In addition, Touboul does not disclose the other elements of claims 1, 9, and 16, nor does the Examiner assert that it does.

For at least these reasons, the combination of Pisello and Touboul also fails to teach at least one element of claims 1, 9, and 16.

Three requirements must be met for a prima facie case of obviousness. First, the prior art references must teach all the limitations of the claims. Second, there must be a motivation to modify the reference or combine the teachings to produce the claimed invention. Third, a reasonable expectation of success is required. For the reasons discussed above, Pisello and Touboul do not teach all of the elements of the claims. Pisello does not teach all of the elements of claims 1, 9, and 16 for the reasons discussed above. Touboul does not remedy these deficiencies.

Claims 2-8, 10-15, 17-22, and 24-27 depend from their respective base claims, shown above to be patentable over Pisello and Touboul. Because Touboul fails to remedy the deficiency of Pisello to teach or suggest the invention recited in claims 1, 9, and 16, it cannot render obvious dependent claims 2-8, 10-15, 17-22, and 24-27. Claim 23 is cancelled.

In paragraphs 16-18 of the Final Office Action, the Examiner rejects claims 4, 12, and 19 under 35 USC § 103(a) as allegedly being unpatentable over Pisello in view of U.S. Patent No. 5,694,569 (“Fischer”). In the paragraphs 19-20 of the Final Office Action, the Examiner

rejects claims 5, 13, and 20 under 35 USC § 103(a) as allegedly being unpatentable over Pisello in view of U.S. Publication No. 2003/0233352 (“Baker”). In the paragraphs 21-22 of the Final Office Action, the Examiner rejects claims 7, 15, and 22 under 35 USC § 103(a) as allegedly being unpatentable over Pisello in view of U.S. Publication No. 2002/0046207 (“Chino”). These rejections now are traversed.

Claims 2-8, 10-15, 17-22, and 24-27 depend from their respective base claims, shown above to be patentable over Pisello and Touboul. None of Fischer, Baker, or Chino, alone or in combination with Pisello and/or Touboul, remedy the above stated shortcomings, nor does the Examiner assert that they do. Thus, Applicants assert that claims 2-8, 10-15, 17-22, and 24-27 also are patentable over the cited references.

### **Conclusion**

In sum, Applicant respectfully submits that claims 1-22, and 24-27, as presented herein, are patentably distinguishable over the cited references. Therefore, Applicant requests reconsideration of the basis for the rejections to these claims and request allowance of them.

In addition, Applicant respectfully invites the Examiner to contact Applicant’s representative at the number provided below if the Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,  
WILLIAM E. SOBEL

Date: October 23, 2006

By: /Jennifer R. Bush/  
Jennifer R. Bush, Reg. No. 50,784  
FENWICK & WEST LLP  
801 California Street  
Mountain View, CA 94041  
Phone: (650) 335-7213

Fax: (650) 938-5200